

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC; MARTIN
AFFILIATED, LLC,

Plaintiffs,

vs.

SPOTIFY USA INC.; THE HARRY FOX
AGENCY, LLC,

Defendants.

Civil Action No. 19-cv-00736

District Judge Aleta A. Trauger

JOINT STIPULATION REGARDING THE
BRIEFING SCHEDULE FOR SPOTIFY USA
INC.'S AND HARRY FOX AGENCY'S
DAUBERT MOTIONS

SPOTIFY USA INC.,

Third-Party Plaintiff,

vs.

KOBALT MUSIC PUBLISHING AMERICA,
INC.,

Third-Party Defendant.

WHEREAS, on September 11, 2023, Spotify USA, Inc. (“Spotify”) filed its Motion to Exclude Plaintiffs’ Expert Robert “Bob” Kohn (“Spotify’s *Daubert* Motion”), and accompanying Motions for Leave to File certain documents related to Spotify’s *Daubert* Motion Under Seal and for Leave to Expand the Page Limit;

WHEREAS, Plaintiffs plan to oppose Spotify’s *Daubert* Motion but had no objection to Spotify’s Motions to File Under Seal and to Expand the Page Limit;

WHEREAS, the Court Granted Spotify’s Motions to File Under Seal and Expand the Page Limit;

WHEREAS, on September 13, 2023, the Harry Fox Agency (“HFA”) also filed a Motion to Exclude Plaintiff’s Expert Robert “Bob” Kohn (“HFA’s *Daubert* Motion”) and accompanying Motions for Leave to File certain documents related to HFA’s *Daubert* Motion Under Seal and for Leave to Expand the Page Limit;

WHEREAS, Plaintiffs plan to oppose HFA’s *Daubert* Motion and had an objection to HFA’s Motion for Leave to Expand the Page Limit given Spotify’s already pending motion regarding the same witness, but did not oppose HFA’s Motion for Leave to file Under Seal;

WHEREAS, the Parties have met and conferred regarding both the briefing schedule for both *Daubert* Motions and Plaintiffs’ objection to HFA’s Motion for Leave to Expand the Page Limit and have reached an agreement.

NOW THEREFORE, the Parties stipulate as follows:

- Plaintiffs hereby withdraw their objection to HFA’s Motion for Leave to Expand the Page Limit;
- Plaintiffs will have until October 20, 2023, to file their oppositions to Spotify’s and HFA’s *Daubert* Motions;

- Spotify and HFA consent to Plaintiffs filing a consolidated opposition to both Spotify's and HFA's *Daubert* Motions if they choose totaling no more than fifty-six (56) pages (the sum total of pages in Spotify's and HFA's *Daubert* Motions);
- In the event Plaintiffs elect to file a consolidated opposition, Spotify and HFA may file separate Replies; and
- Spotify's and HFA's Replies shall be due on November 17, 2023.

Respectfully Submitted,

Dated: September 18, 2023

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the **JOINT STIPULATION REGARDING THE BRIEFING SCHEDULE FOR SPOTIFY USA INC.'S AND HARRY FOX AGENCY'S DAUBERT MOTIONS** was filed electronically with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system, and via electronic and/or U.S. mail, postage prepaid on September 18, 2023, to:

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